

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Of course the broadcast flag will interfere with consumers' ability to make copies for personal use. That is the point of the flag. I can't imagine any technology being clever enough to determine what use the consumer intends to put the content. For the flag to be effective at all, it will have to interfere with all copying, including legitimate copying. The BPDG's own report admits that this is a problem:

"...current content protection technologies inevitably cannot accomodate all instances where redistribution of DTV content (e.g. the retransmission of clips for educational purposes) might be fair use."

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

If the flag is required in all of these devices, obviously it will interfere with legitimate use by consumers. Again, these devices will never be able to "read the mind" of the consumer and know whether or not the purpose of the transmission is legitimate or not.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

If the signal contains something that the older equipment is not designed to look for, I have to think that it will have difficulty accessing any content with the flag imbedded in it.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

The broadcast flag requirement will inevitably limit the development of new devices in the future. There is no need to speculate on this issue. Experience with DAT and MiniDisc recorders demonstrates that this is the case. Limitations on these technologies have destroyed the market for the devices.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

Consumers have little reason to purchase recording products that do not give them access to their recorded content at their own convenience. The broadcast flag will destroy the future market for media recording devices and, in so doing, probably destroy the market for broadband content.

Other Comments:

There are two issues that I have not seen discussed in the matter of the broadcast flag. First of all, the broadcast flag will undoubtedly have a deleterious effect on consumers even if all suppliers implement it perfectly. What effect will it have when implemented imperfectly? I frequently encounter problems distributing content to others or receiving

content from others. The problem is one of being able to access the content in whatever form it is stored. Even with all hardware and software cooperating to help me and my partner to transmit and read content, I still frequently encounter difficulties. How much more difficult will this be with the hardware and software actively trying to hinder me rather than the other way around?

My other point is the ridiculousness of one industry exercising such draconian control over another industry, simply because it conveniences the controlling industry. Particularly when the controlling industry is 5% the size of the controlled industry. The media industry wishes the technology industry to submit effectively all new devices to the media industry so that the media industry can approve or disapprove them for development and sale. The argument is that the media industry might be harmed by devices sold by the technology industry.

Why should not the technology industry demand the same control over the media industry and insist on script approval for all movies and television shows? After all, the media industry could harm the technology industry by representing them in an unflattering light, thus reducing sales. The technology industry actually has a better argument than the media industry, since a 5% reduction in technology sales would have the same effect on tax revenues and jobs for citizens as the complete elimination of the media industry.

The idea of Philips having script approval over Star Trek episodes is ridiculous. I submit that the idea of Paramount having similar control over VCR design is at least, if not more, ridiculous. The FCC should not even be considering this legislation seriously.